

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

IMV Inc., *et al.*,

Debtors in a Foreign Proceeding.<sup>1</sup>

Chapter 15

Case No. 23-10589 (KBO)

(Joint Administration Requested)

**MOTION FOR ORDER (A) SCHEDULING HEARING ON RECOGNITION OF  
CHAPTER 15 PETITIONS AND (B) SPECIFYING FORM AND MANNER OF  
SERVICE OF NOTICE**

IMV Inc., in its capacity as the duly-appointed foreign representative (“IMV” or the “Foreign Representative”) for the above-captioned debtors (collectively, the “Debtors”), each of which is subject of proceedings (collectively, the “Canadian Proceeding”) pending before the Supreme Court of Nova Scotia (the “Canadian Court”), initiated pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (as amended, the “CCAA”), has commenced the above-captioned chapter 15 cases and moves (this “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”): (a) scheduling a hearing (the “Recognition Hearing”) to consider recognition of the Canadian Proceeding as a foreign main proceeding under chapter 15 of Title 11 of the United States Code (the “Bankruptcy Code”), as requested in the *Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, (III) Recognition of Amended and Restated Initial Order, and (IV) Related Relief under Chapter 15 of the Bankruptcy Code* filed contemporaneously herewith (the “Verified Petition”), (b) establishing the deadline (the “Recognition Objection Deadline”) to object

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<sup>1</sup> The Debtors in these chapter 15 proceedings, together with the last four digits of their business identification numbers, are: IMV Inc. (6991); IMV USA Inc. (4184) (“IMV USA”); and Immunovaccine Technologies Inc. (6772) (“IVT”). The location of the Debtors’ headquarters and the Debtors’ foreign representative is: 130 Eileen Stubbs Avenue, Suite 19, Dartmouth, Nova Scotia B3B 2C4.

to the Chapter 15 Petitions (as defined herein) and the Court’s entry of an order granting the relief requested in the Verified Petition (the “Recognition Order”), (c) approving the form of notice, attached to the Proposed Order as Exhibit 1 (the “Recognition Hearing Notice”), and (d) specifying the manner of service of the Recognition Hearing Notice and any subsequent papers that the Foreign Representative files and is required to serve in accordance with sections 105(a), 1514, and 1515 of the Bankruptcy Code, Rules 2002 and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 2002-1 of the Local Rules of Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”).

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. Recognition of a foreign proceeding and other matters under chapter 15 of the Bankruptcy code are core matters pursuant to 28 U.S.C. § 157(b)(2)(P).

2. The Debtors confirm their consent, pursuant to Bankruptcy Rule 7008 and Local Rule 9013-1(f), to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. These chapter 15 cases have been properly commenced pursuant to sections 1504 and 1509 of the Bankruptcy Code by the filing of the chapter 15 petitions filed for each of the Debtors as D.I. 1 in their respective cases (the “Chapter 15 Petitions”) and the Verified Petition under section 1515 of the Bankruptcy Code

4. Venue is proper pursuant to 28 U.S.C. § 1410.

5. The bases for the relief requested herein are sections 105(a), 1514, 1510, 1515 1517, and 1521 of the Bankruptcy Code, Bankruptcy Rules 2002 and 9007, and Local Rule 9013-1(m).

### **BACKGROUND**

6. On April 28, 2023, the Debtors commenced the Canadian Proceeding under the CCAA to initiate restructuring proceedings under the supervision of the Canadian Court. On May 1, 2023, the Canadian Court entered an initial order (the “Initial Order”) appointing FTI Consulting Canada Inc. (the “Monitor”) as monitor of the Debtors and authorizing IMV to act as Foreign Representative of the Debtors.

7. On May 5, 2023, following a comeback hearing in the Canadian Proceeding, the Canadian Court entered an amended and restated Initial Order (the “Amended and Restated Initial Order”), a certified copy of which is attached to each of the Chapter 15 Petitions. A description of the relief provided in the Amended and Restated Initial Order is set forth below and in the Hall Declaration (defined below). At the Comeback Hearing, the Canadian Court also approved a claims process in the Canadian Proceeding, and the Debtors expect that the Canadian Court will enter an order establishing the claims process on May 8, 2023.

8. On the date hereof (the “Petition Date”), the Foreign Representative filed the Chapter 15 Petitions and the Verified Petition, thereby commencing the Debtors’ chapter 15 cases.

9. Also on the Petition Date and concurrently herewith, the Foreign Representative filed the *Motion for Provisional Relief Pursuant to Section 1519 of the Bankruptcy Code* (the “Provisional Relief Motion”). Through the Provisional Relief Motion, the Foreign Representative has requested that this Court enter an order (the “Provisional Relief Order”) enforcing in the United States, on a provisional basis, the Amended and Restated Initial Order entered by the Canadian

Court (with the exceptions of the SISP and KERP provisions thereof, as defined in the Provisional Relief Motion, which the Foreign Representative requests be enforced in the Recognition Order) and grant, on a provisional basis, related Provisional Relief (as defined in the Provisional Relief Motion).

10. Additional information about the Debtors' business and operations, the events leading up to the filing of the Chapter 15 Petitions and the facts and circumstances surrounding the Canadian Proceeding and these chapter 15 cases can be found in the *Declaration of Andrew Hall in Support of the Debtors' Verified Petition for (I) Recognition of Foreign Main Proceeding, (II) Recognition of Foreign Representative, (III) Recognition Amended and Restated Initial Order, and (IV) Related Relief* (the "Hall Declaration").<sup>2</sup>

### **RELIEF REQUESTED**

11. The Foreign Representative seeks entry of the Proposed Order: (a) scheduling the Recognition Hearing, (b) establishing the Recognition Objection Deadline, (c) approving the form of the Recognition Hearing Notice, and (d) approving the manner of service of the Recognition Hearing Notice.

#### **I Recognition Hearing**

12. The Foreign Representative respectfully requests that the Court set a date for the Recognition Hearing approximately twenty-one (21) days after service of the Recognition Hearing Notice, the Chapter 15 Petitions (with all attachments, including the Amended and Restated Initial Order), the Verified Petition and the proposed Recognition Order, and the Provisional Relief Order (once entered) (collectively, the "Chapter 15 Documents") on the Notice Parties (defined below).

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<sup>2</sup> Capitalized terms used but not defined herein shall the meaning ascribed to them in the Hall Declaration.

## **II Objections or Responses to Recognition**

13. The Foreign Representative further requests that the Court require that any responses, answers, or objections to the Chapter 15 Petitions, the Verified Petition and the Court's entry of the Recognition Order: (a) be in writing, (b) set forth in detail the factual and legal bases therefor, (c) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules, (d) be filed with the Office of the Clerk of the Court, 824 Market Street, Third Floor, Wilmington, Delaware 19801, and (e) be served upon counsel for the Foreign Representative—Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware 19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com)—so as to be received seven (7) days before the Recognition Hearing.

## **III Recognition Hearing Notice**

14. The Foreign Representative respectfully requests that the Court approve the Recognition Hearing Notice in substantially the form attached to the Proposed Order as Exhibit 1. The Recognition Hearing Notice will: (a) notify the Notice Parties (defined below) of the filing of the Chapter 15 Petitions, the Verified Petition, and related papers filed under chapter 15 of the Bankruptcy Code, (b) include a copy of the Chapter 15 Documents, and (c) set forth the Recognition Objection Deadline and the date and time of the Recognition Hearing.

15. In accordance with section 1514 of the Bankruptcy Code, Bankruptcy Rule 2002(q), and Local Rule 2002-1(b), the Foreign Representative proposes to serve the Recognition Hearing Notice by hand delivery, overnight courier, or domestic or foreign mail, first-class postage prepaid or, for entities with addresses that are not in the United States, by electronic mail, no later than three (3) business days after entry of the Proposed Order, upon the following entities or their counsel, if known (collectively, the "Notice Parties"): (a) the Debtors; (b) all persons or bodies

authorized to administer foreign proceedings of the Debtors, including the Monitor; (c) all parties to litigation pending in the United States in which a Debtor is a party at the time of the filing of the Chapter 15 Petitions, if any; (d) all parties against whom provisional relief is being sought under section 1519 of the Bankruptcy Code, including all known creditors and contract counterparties of the Debtors in the United States; (e) parties that have appeared in the Canadian Proceeding as of the date of service; (f) the Office of the United States Trustee for the District of Delaware; and (g) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Foreign Representative respectfully requests that the Bankruptcy Court declare such service due and sufficient and no further notice be required.

16. The Foreign Representative respectfully requests that if any entity files a notice of appearance in these chapter 15 cases after the initial service of the Recognition Hearing Notice, the Foreign Representative will serve the Chapter 15 Documents and any subsequent, relevant notices upon such entity no later than five (5) days after the filing of such notice of appearance, if such documents have not been already served on such entity (or its counsel).

17. The Foreign Representative respectfully requests that any subsequent notice, motion, or other pleading in these chapter 15 cases be served on counsel to the Foreign Representative, the Notice Parties, and any other entity that files a notice of appearance in these chapter 15 cases, in accordance with Bankruptcy Rules 2002(m), 2002(q) and 9007 and Local Rule 2002-1, or as otherwise required by the Bankruptcy Code and the Bankruptcy Rules.

#### **BASIS FOR RELIEF**

18. Bankruptcy Rule 2002(q)(1) provides that parties are to be given 21-days' notice of a hearing to consider granting the relief requested in a chapter 15 petition. Fed. R. Bankr. P. 2002(q)(1). The notice also is required to state whether the petition seeks recognition as a foreign

main proceeding or foreign nonmain proceeding, and include any other document that the court may require. *See id.*

19. Bankruptcy Rule 2002(m) and 9007 provide that when notice is to be given under the Bankruptcy Rules, the court may enter orders designating the form and manner in which such notice shall be given. Fed. R. Bankr. P. 2002(m) and 9007. Further, section 105(a) of the Bankruptcy Code provides the Court with the power to grant the relief requested herein by the Foreign Representative. *See* 11 U.S.C. § 105(a) (stating that a bankruptcy court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the [Bankruptcy Code]”); *see also* 11 U.S.C. § 103(a) (chapter 1 is applicable in a case under chapter 15).

20. The Recognition Hearing Notice and the proposed manner of serving the Recognition Hearing Notice and related papers should be approved because they meet the requirements of Bankruptcy Rule 2002(q). The proposed Notice Party includes all the parties required to be served under Bankruptcy Rule 2002(q) and the Foreign Representative intends to give such parties at least 21 days’ notice by mail of the Recognition Hearing as required by the rule. Additionally, the Recognition Hearing Notice states that the Foreign Representative is seeking recognition of the Canadian Proceeding as a foreign main proceeding.

21. Thus, the form of Recognition Hearing Notice and the manner and timing of service comply with Bankruptcy Rule 2002(q), are appropriate in these chapter 15 cases and should be approved.

**WAIVER OF REQUIREMENT UNDER SECTION 1514(C)**

22. Section 1514(c) of the Bankruptcy Code states that when “a notification of commencement of a case is to be given to foreign creditors, such notification shall (1) indicate the time period for filing proofs of claim and specify the place for filing such proofs of claim; [and]

(2) indicate whether secured creditors need to file proofs of claim . . . .” See 11 U.S.C. § 1514(c). The Foreign Representative respectfully requests that such requirements be waived in this matter because the Foreign Representative does not intend to conduct a claims process in the Chapter 15 Cases, as the Canadian Court has approved a claims process in the Canadian Proceeding—the Debtors expect that the Canadian Court will enter an order establishing this claims process on May 8, 2023 and ample notice of all relevant claims bar dates and related filing requirements will be provided as part of such process.<sup>3</sup>

23. Courts in this District have granted requests for similar relief under 11 U.S.C. § 1514(c) in other chapter 15 cases. See, e.g., *In re Acerus Pharma. Corp.*, No 23-10111 (MFW) (Bankr. D. Del. Jan. 31, 2023) (order stating that all notice requirements specified in section 1514(c) of the Bankruptcy Code are waived or otherwise deemed inapplicable to the chapter 15 cases); *In re CDS U.S. Holdings, Inc.* No. 20-11719 (CSS) (Bankr. D. Del. July 2, 2020) (same); *In re Synreon Automotive (UK) Ltd.*, No. 19-11702 (BLS) (Bankr. D. Del. July 30, 2019) (same); *In re Mundo Media Ltd.*, No. 19-11365 (KBO) (Bankr. D. Del. June 18, 2019) (same).

### **NOTICE**

24. The Foreign Representative will provide notice of this Motion and entry of an order granting this Motion to the following parties or their counsel (if known): (i) the Debtors’ Canadian counsel; (ii) the Monitor; (iii) the Lenders; (iv) ACOA; (v) counterparties to certain of the Debtors’ critical contracts; (vi) the landlord for the Debtors’ leased office space in Cambridge, MA; and (vii) the Office of the United States Trustee for the District of Delaware. The Foreign

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<sup>3</sup> Following the entry of an order by the Canadian Court approving the claims process in the Canadian Proceeding, the Foreign Representative will file an appropriate pleading, on notice to interested parties, to seek entry of an order of this Court enforcing the CCAA claims process order in the United States.



Representative respectfully requests that, in light of the nature of the relief requested, no other or further notice of the Motion need be given.

**WHEREFORE** the Foreign Representative respectfully requests that this Court enter the Provisional Relief Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: May 8, 2023  
Wilmington, Delaware

Respectfully Submitted,

*/s/ David M. Fournier*

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**EXHIBIT A**

**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

IMV Inc., *et al.*,

Debtors in a Foreign Proceeding.<sup>1</sup>

Chapter 15

Case No. 23-10589 (KBO)

(Jointly Administered)

Re: D.I. \_\_\_\_

**ORDER (A) SCHEDULING HEARING ON RECOGNITION OF CHAPTER 15  
HEARING AND (B) SPECIFYING FORM AND MANNER OF SERVICE OF NOTICE**

Upon the motion (the “Motion”)<sup>2</sup> of IMV Inc., in its capacity as the duly appointed foreign representative (the “Foreign Representative”) for the above-captioned debtors (collectively, the “Debtors”), for entry of an order pursuant to sections 105(a), 1514, and 1515 of the Bankruptcy Code, Bankruptcy Rules 2002 and 9007, and Local Rule 2002-1(b), (a) scheduling a hearing to consider the recognition of the Canadian Proceedings as foreign main proceedings under Chapter 15 of the Bankruptcy Code and the relief requested in the Verified Petition (the “Recognition Hearing”) and (b) approving the form and manner of service of notice, substantially in the form annexed to this Order as of notice, substantially in the form annexed to this Order as **Exhibit 1**, of certain Chapter 15 filings and the Recognition Hearing (the “Recognition Hearing Notice”); and the Court having found that (a) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the

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<sup>1</sup> The Debtors in these chapter 15 proceedings, together with the last four digits of their business identification numbers, are: IMV Inc. (6991); IMV USA Inc. (4184) (“IMV USA”); and Immunovaccine Technologies Inc. (6772) (“IVT”). The location of the Debtors’ headquarters and the Debtors’ foreign representative is: 130 Eileen Stubbs Avenue, Suite 19, Dartmouth, Nova Scotia B3B 2C4.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

District of Delaware, dated as of February 29, 2012, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P), (c) venue is proper in this district pursuant to 28 U.S.C. § 1410, (d) the Chapter 15 Cases have been properly commenced by the duly appointed Foreign Representative, and (e) due and sufficient notice of the Motion has been given and no other or further notice need be provided; and upon consideration of the Hall Declaration; and it appearing that the relief requested in the Motion is in the best interest of the Debtors and other parties in interest in these chapter 15 cases; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The Recognition Hearing is scheduled for \_\_\_\_\_, 2023 at \_\_\_\_:\_\_\_\_.m. (ET).
3. The date and time of the Recognition Hearing may be adjourned or continued to a subsequent date without further notice except for an “in court” announcement at the Recognition Hearing or a filing on the docket of the above-captioned chapter 15 cases of the date and time to which the Recognition Hearing has been adjourned.
4. The Recognition Hearing Notice in the form attached to this Order as **Exhibit 1** is approved.
5. The Foreign Representative will serve, or cause to be served, copies of the Recognition Hearing Notice and the Chapter 15 Documents by hand delivery, overnight courier, or domestic or foreign mail, first-class postage prepaid or, for entities with addresses that are not in the United States, by electronic mail, upon the following entities or their counsel, if known (collectively, the “Notice Parties”): (a) the Debtors; (b) all persons or bodies authorized to administer foreign proceedings of the Debtors, including the Monitor; (c) all parties to litigation pending in the United States in which a Debtor is a party at the time of the filing of the Chapter 15 Petitions, if any; (d)

all parties against whom provisional relief is being sought under section 1519 of the Bankruptcy Code, including all known creditors and contract counterparties of the Debtors in the United States; (e) parties that have appeared in the Canadian Proceeding as of the date of service of the relevant pleading; (f) the Office of the United States Trustee for the District of Delaware; and (g) any party that has requested notice pursuant to Bankruptcy Rule 2002, no later than two (2) business days after entry of this Order.

6. If any entity files a notice of appearance in these chapter 15 cases after the initial service of the Recognition Hearing Notice, the Foreign Representative will serve, or cause to be served, the Chapter 15 Documents and any subsequent, relevant notices upon such entity no later than five (5) days after the filing of such notice of appearance, if such documents have not been already served on such entity (or its counsel).

7. Any subsequent notice, motion, or other pleading filed in the chapter 15 cases will be served on the Foreign Representative, the Notice Parties, and any other entity that files a notice of appearance in these chapter 15 cases, unless otherwise directed by the Court, in accordance with Bankruptcy Rule 2002(q) or as otherwise required by the Bankruptcy Code, Bankruptcy Rules, Local Rules, or any order entered in the chapter 15 cases by the Court.

8. Service of the Recognition Hearing Notice and the Chapter 15 Documents, in accordance with this Order is approved as adequate, due, and sufficient on all interested parties under the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

9. Prior to serving the Recognition Hearing Notice, the Foreign Representative may complete any missing dates and other information, correct any typographical errors, conform the provisions regarding the Recognition Hearing Notice to the provisions of this Order, and make

such other and further non-substantive changes as the Foreign Representative deems necessary or appropriate.

10. Any responses, answers, or objections to the Chapter 15 Petitions, the Verified Petition, the requested recognition of the Canadian Proceeding as a foreign main proceeding, related relief, or other papers filed in connection therewith must: (a) be in writing, (b) set forth in detail the factual and legal bases therefor, (c) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules, (d) be filed with the Office of the Clerk of the Court, 824 Market Street, Third Floor, Wilmington, Delaware 19801, and (e) be served upon counsel for the Foreign Representative—Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware 19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com)—so as to be received on or before \_\_\_\_\_, 2023 at 4:00 p.m. (ET).

11. The requirements of section 1514(c) of the Bankruptcy Code are waived or otherwise deemed inapplicable to these chapter 15 cases.

12. The Foreign Representative is authorized to take all actions necessary to effectuate the relief granted by this Order.

13. The Bankruptcy Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

14. Notwithstanding any applicability of any Bankruptcy Rules or Local Rules, the terms and conditions of this order shall be immediately effective and enforceable upon its entry and shall constitute a final order within the meaning of 28 U.S.C. § 158(a).

**EXHIBIT 1**

**Form of Recognition Hearing Notice**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

IMV Inc., *et al.*,

Debtors in a Foreign Proceeding.<sup>1</sup>

Chapter 15

Case No. 23-10589 (KBO)

(Jointly Administered)

**NOTICE OF (A) FILING CHAPTER 15 PETITIONS AND RELATED CHAPTER  
15 DOCUMENTS SEEKING RECOGNITION OF CANADIAN PROCEEDING AS  
FOREIGN MAIN PROCEEDING AND (B) RECOGNITION HEARING**

**PLEASE TAKE NOTICE** that on May 8, 2023, IMV Inc., in its capacity as the duly-appointed foreign representative (“IMV” or the “Foreign Representative”) with respect to the foreign proceedings, file Hfx No. 523334 (the “Canadian Proceeding”), commenced by the above-captioned debtors (collectively, the “Debtors”) in the Supreme Court of Nova Scotia (the “Canadian Court”) for which an order was entered recognizing their application on May 1, 2023, pursuant to the Companies’ Creditors Arrangement Act, R.S.C. 1985, c. C-36 (as amended, the “CCAA”), filed an Official Form 401 Petition for each of the Debtors [D.I. 1 in each of the debtors’ respective chapter 15 cases] (collectively, the “Chapter 15 Petitions”) under chapter 15 of title 11 of the United States Code (the “Bankruptcy Code”) commencing these proceedings ancillary to the Canadian Proceeding, and also the *Verified Petition for (I) Recognition of Foreign Main Proceeding, (II) Recognition of Foreign Representative, (III) Recognition of Amended and Restated Initial Order, and (IV) Related Relief under Chapter 15 of the Bankruptcy Code* [D.I. 4] (the “Verified Petition”) seeking recognition of the Canadian Proceeding as a foreign main proceeding within the meaning of chapter 15 of the Bankruptcy Code. A true and correct copy of the Chapter 15 Petitions and the Verified Petition (along with the proposed order granting the relief requested therein including, among other things, recognition of the Canadian Proceeding as a foreign main proceeding) are attached to this Notice as **Exhibit I** and **Exhibit II**, respectively.

**PLEASE TAKE FURTHER NOTICE** that copies of the Chapter 15 Petitions and related filings in these chapter 15 cases are also available (a) on the Bankruptcy Court’s Electronic Case Filing System, which can be accessed from the Bankruptcy Court’s website at <http://www.ecf.deb.uscourts.gov> (a PACER login and password are required) or (b) upon written request (including by email) to counsel to the Foreign Representative, Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware

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<sup>1</sup> The Debtors in these chapter 15 proceedings, together with the last four digits of their business identification numbers, are: IMV Inc. (6991); IMV USA Inc. (4184) (“IMV USA”); and Immunovaccine Technologies Inc. (6772) (“IVT”). The location of the Debtors’ headquarters and the Debtors’ foreign representative is: 130 Eileen Stubbs Avenue, Suite 19, Dartmouth, Nova Scotia B3B 2C4.



19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com).

**PLEASE TAKE FURTHER NOTICE** that on May \_\_, 2023, the Bankruptcy Court entered the *Order Granting Provisional Relief*[D.I. \_\_] (the “Provisional Relief Order”), granting provisional, injunctive, and related relief, including, but not limited to, granting recognition and giving effect in the United States to the Amended and Restated Initial Order entered in the Canadian Proceeding. A true and correct copy of the Provisional Relief Order, is attached to this Notice as **Exhibit III**.

**PLEASE TAKE FURTHER NOTICE** that the Bankruptcy Court scheduled a hearing for \_\_\_\_\_, 2023 at \_ : \_\_.m. (ET) before the Honorable Karen B. Owens (the “Recognition Hearing”) on the Chapter 15 Petitions and Verified Petition to consider the recognition of the Canadian Proceeding as a foreign main proceeding and give full force and effect to orders entered in the Canadian Proceeding and related relief in accordance with the relief requested in the Verified Petition.

**PLEASE TAKE FURTHER NOTICE** that any party in interest wishing to submit a response, answer, or objection to the Chapter 15 Petitions or the Verified Petition must do so pursuant to the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and such response, answer, or objection must (a) be in writing, (b) set forth in detail the factual and legal bases therefor, (c) be filed with the Office of the Clerk of the Court, 824 Market Street, Wilmington, Delaware 19801, and (d) be served upon counsel for the Foreign Representative—Troutman Pepper Hamilton Sanders, Hercules Plaza, Suite 5100, 1313 N. Market Street P.O. Box 1709, Wilmington, Delaware 19899, Attn: David M. Fournier (david.fournier@troutman.com) and Kenneth A. Listwak (ken.listwak@troutman.com)—so as to be received **on or before \_\_\_\_\_, 2023 at 4:00 p.m. (ET)**.

**PLEASE TAKE FURTHER NOTICE** that all parties in interest opposed to the Chapter 15 Petition or the Foreign Representative’s request for relief in the Verified Petition must appear at the Recognition Hearing at the time and place set forth herein, which may be adjourned from time to time without further notice except for an “in court” announcement at the Recognition Hearing or a filing on the docket of these chapter 15 cases of the date and time to which the Recognition Hearing has been adjourned.

**PLEASE TAKE FURTHER NOTICE** that unless later ordered by the Bankruptcy Court, any claims process for the Debtors will occur as part of the Canadian Proceeding and not in connection with these chapter 15 cases.

**PLEASE TAKE FURTHER NOTICE THAT IF NO RESPONSES OR OBJECTIONS ARE RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED BY THE FOREIGN REPRESENTATIVE WITHOUT FURTHER NOTICE OR HEARING.**

Dated: May \_\_, 2023  
Wilmington, Delaware

/s/

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